IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

RPFC.No. 72 of 2003()

MC.228/2001 of FAMILY COURT, KOZHIKODE

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REVISION PETITIONER/RESPONDENT

SUNILKUMAR, S/O.KARIYATHAN,
KARALIPARAMBU, KUNNATHMOTTACOLONY,
FEROKE.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: PETITIONERS

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1. AYISHABI V., 40 YEARS,
W/O.MUHAMMEDALI, KUNDUNIJIYIL HOUSE,
PERINGAV GULF ROAD, KONDOTTY.

2. HAJIRA, 17 YEARS, MINOR,
D/O.MUHAMMEDALI.

3. RIYAS, 2 MONTHS, MINOR, S/O.SUNILKUMAR,
MINOR PETITIONERS REPRESENTED BY GUARDING
MOTHER 1ST PETITIONER.

BY ADV. SRI.SUNNY MATHEW

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.6838/2003 IN R.P.(F.C).NO.72/2003

CLOSED.

SD/- K.R.UDAYABHANU, JUDGE

14/11/2007

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K.R.UDAYABHANU, J.

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R.P.(F.C).No.72 of 2003

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Dated this the 14th day of November, 2007

O R D E R

The revision petitioner is the respondent in M.C.No.228/2001 in the file of Family Court, Kozhikode, and are under orders to pay maintenance to the third petitioner illegitimate child at the rate of Rs.500/- per month from the date of the petition. The petitioners in the M.C are the mother, daughter and minor child aged two months. It is the case that the second petitioner girl aged 17 years was raped on 18/07/2000 by the respondent while the second petitioner was alone in the house. The respondent/revision petitioner is a neighbour. The pregnancy was detected after about eight months. The first petitioner is working as a house maid and her son is a daily labourer and the second petitioner stopped her studies in order to look after her younger brother. There is a criminal case also against the respondent, it is submitted. The court below has noted in its order that there was no effective cross-examination of PWs.1 and 2, the mother and the daughter. The petitioners had also filed application for D.N.A test to determine the paternity of the child, and the court had allowed the above application and the respondent/revision petitioner was directed to meet the expenses required, but the respondent declined to submit himself for the

D.N.A test. The counsel for the revision petitioner has submitted that right now he is willing to conduct the D.N.A test. I find that the matter is of the year 2001. In the circumstances and in view of the findings of the court below, and the evidence adduced I find no interference is called for. Revision petition is dismissed.

K.R.UDAYABHANU,
Judge

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